

From: Houston IV, David W. <dhouston@burr.com>
Sent: Wednesday, October 28, 2020 9:42 AM
To: Paz Haynes; Daniel H. Puryear (dpuryear@puryearlawgroup.com);
'Megan.seliber@usdoj.gov'; Daniel Fleming
Cc: Sam McAllester; Lynn Watkins-Lane
Subject: RE: CDS Bus. Svcs. v. America Cares Trust | Second Expedited Motion for Limited Relief from Bankruptcy Stay

Based on my discussions with the CRO, Jim Davis, Mr. Puryear and reviewing your revised motion, the Debtor has no opposition to the motion. Thanks.

David



AL • DE • FL • GA
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From: Paz Haynes <whaynes@bonelaw.com>
Sent: Tuesday, October 27, 2020 5:53 PM
To: Daniel H. Puryear (dpuryear@puryearlawgroup.com) <dpuryear@puryearlawgroup.com>; Houston IV, David W. <dhouston@burr.com>; 'Megan.seliber@usdoj.gov' <Megan.seliber@usdoj.gov>; Daniel Fleming <DFleming@wongfleming.com>
Cc: Sam McAllester <smcallester@bonelaw.com>; Lynn Watkins-Lane <lwatkins-lane@bonelaw.com>
Subject: CDS Bus. Svcs. v. America Cares Trust | Second Expedited Motion for Limited Relief from Bankruptcy Stay
Importance: High

[EXTERNAL EMAIL]

Good evening, counsel:

Attached please find the Second Expedited Motion for Limited Relief from the Preliminary Injunction entered in the Adversary Proceeding, which was just filed. This Motion seeks limited relief for a disbursement of the funds remaining in Bank of America DIP Account *239 (referred to as the "Carve-Out Account" or "Operating Account"). These funds constitute (i) remaining proceeds from CareNation's PPP Loan from Bank of America obtained after the closing of the APA; and (ii) cash assets of CareNation earned after the entry of the Asset Sale Order. Based on our earlier conversation with Dan Puryear late this afternoon, CDS and the Debtor have determined that neither the Debtor nor CDS have right, title or interest in any of the funds remaining in Account *239. We've asked for a hearing at 10:30am CDT on Thursday, October 29, 2020.

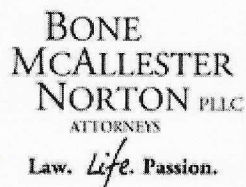
We have modified this Motion in collaboration with CDS. This Motion is narrowly tailored to focus solely on Account *239, and our client is in dire need of funds. We understand CDS will not oppose this Motion, and based on David's prior email on the PPP Loan, we do not anticipate the Debtor will oppose the relief sought. We request that CDS and the Debtor either:

- (i) Reply to this email confirming no opposition; or
- (ii) File a notice of no opposition as soon as possible.

If there is no opposition, this may eliminate the need for any hearing and save everyone time and expense. We are also happy to get the Trustee's input as well.

We will be happy to circulate an Order granting relief which the parties can come to agreement on, even if it is not an agreed order per se.

Thanks all,
Paz



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Bone McAllester Norton PLLC mail server made the following annotations:

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